

Filed for intro on 05/21/97

SENATE BILL 2031
By Burks

AN ACT to amend Chapter 553 of the Acts of 1903; as amended by Chapter 468 of the Private Acts of 1917; and any other acts amendatory thereto, relative to the powers of the Board of Mayor and Aldermen.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 9 of Chapter 553 of the Acts of 1903, as amended by Chapter 468 of the Private Acts of 1917 is amended by deleting the section in its entirety and by substituting instead the following:

Section 9. The corporation aforesaid shall have full power and authority to pass all ordinances necessary to health, convenience, safety and general welfare of the inhabitants within the meaning of this act as fully as if specifically authorized as if the powers were expressly conferred; to have and exercise all powers which now are or hereafter would be competent for this charter to specifically enumerate, as fully and completely as though said powers were specifically enumerated herein and no enumeration of particular powers by this charter shall be held to be exclusive; to construct, purchase, acquire, by condemnation or otherwise, lease, own, operate and maintain an electric power plant and distribution system, telecommunications system, water pumping plant and distribution system, sewage disposal system, and/or any other utilities, or any estate or interest therein or part thereof or the use of any such utility, and to furnish the product or service of any said utilities for its own uses and purposes and to the general public within or without the city; to fix and regulate the charges of such products and services; and the right to sell, lease, mortgage, pledge or otherwise

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dispose of any said utilities or any part thereof; the right to purchase electric power, telecommunications, gas, water or other products for distribution, for the use of the city and for sale to the general public, and to make all contracts and to do all things in regard to any of such things that may appear advisable for the city; the right to provide "telecommunications service" to any person, firm, corporation or any other user or consumer of telecommunications service as defined hereinbelow; to expend funds of other utility systems for the construction, acquisition, operation, maintenance and improvement of telecommunications facilities provided such is permitted by the general law of the state of Tennessee; to enact and pass such laws and ordinances as are necessary to preserve the health of the inhabitants of said city, prevent and remove nuisances; to establish night watch and patrol; to ascertain when necessary the boundaries and location of streets, lots and alleys; to restrain and prohibit gaming; to provide for licensing and regulating theatrical and other public exhibitions of shows and sleight-of-hand performances in the limit of said city; to regulate and restrain disorderly assemblies, riots, drunkenness, profane swearing or obscene language or behavior; to levy and collect taxes upon all such property and privileges as are taxable by the laws of this state; to appoint and organize fire companies, and to enact such laws and ordinances as may be necessary to guard against fire; to impose and appropriate fines and forfeitures for any breach of their by-laws and ordinances; to provide for grading, graveling and paving streets, alleys and sidewalks, the removal of obstructions and suppression of all disorderly conduct whereby the citizens of said city shall be disturbed or their safety in danger; to impose proper punishment for the cruelty to animals, to elect a recorder, and to pass all such laws and ordinances necessary to carry the intent and meaning of this act into effect, provided they are not incompatible with the laws of this state.

The Mayor and Aldermen of the City of Tullahoma be, and they are hereby, authorized and empowered to grant to persons, firms, and corporations the right to use

and occupy such highways or parts of highways in said town, for such time, upon such terms and conditions, and for such purposes as may seem to the said Mayor and Aldermen proper; provided, the said use and occupancy so granted does not interfere with the public use of the said highways or become a nuisance.

And the said corporation is hereby authorized and empowered to contract with railroad corporations by ordinance for the elevation or depression of railroad tracks crossing streets and alleys, and for the construction of subways and viaducts under or over such tracks, and in making such contracts to open, close and abolish such streets and alleys as may be necessary and said corporation is further authorized and empowered to grant to railroad corporations the privilege of construction railroad tracks across streets for the purpose of providing spur tracks to manufacturing or other industrial enterprises.

The term "telecommunications" service as used herein means the offering of telecommunications for a fee directly to the public, or to such class of users as to be effectively available directly to the public regardless of the facilities used, including, but not limited to, voice, data, and video transmissions; surveillance; CATV; Internet services; loan control; meter reading; appliance monitoring; power exchange, securing monitoring; alarm and other monitoring services; billing and financial services; or any other telecommunications service(s) that may be provided, including servicing and repairing related equipment.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of Mayor and Aldermen of the City of Tullahoma. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of Mayor and Aldermen of the City of Tullahoma and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.